

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

JAMI REBSOM,

Plaintiff,

vs.

STEVE KUNNATH in his official and individual capacities; MICHAEL LABATY in his official and individual capacities; CITY OF LIVINGSTON, MONTANA; JAY PORTEEN in his official and individual capacities; and COREY O'NEILL in his official and individual capacities,

Defendants.

CV 20-1-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on Defendant O'Neill's Motion for Summary Judgment (Doc. 38) and Defendant Labaty's Motion for Summary Judgment (Doc. 48). (Doc. 72). In her responses to the motions, Plaintiff Rebsom indicated that she desired to dismiss her claims against O'Neill and Labaty. (Doc. 58 and 61). The Magistrate recommended that the Motions for Summary Judgment be granted. (Doc. 72 at 2).


Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and

Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 72) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendants O'Neill and Labaty's Motions for Summary Judgment (Doc. 38 and 48) be GRANTED. Rebsom's Responses (Doc. 58 and 61), to the extent they can be construed as motions to dismiss, are accordingly DENIED as MOOT.

DATED this 28<sup>th</sup> day of June, 2021.

  
SUSAN P. WATTERS  
United States District Judge